

APPEALS OF CONSEQUENCES

NO GREATER THAN SHORT-TERM SUSPENSION

Policy Code:

4360

A student may appeal to the superintendent any disciplinary consequence imposed by a school administrator for violating board policy, school standards or rules that is no greater than a short-term suspension (suspension of up to 10 days). The appeal must be in writing and must be received by the superintendent within three days of the disciplinary action. The consequence imposed by the school administrator need not be postponed pending the outcome of the appeal. However, either the principal or superintendent may decide to postpone the consequence until after the superintendent's review.

The student may submit in writing any statement or evidence to support his or her position. The principal must submit in writing a description of the misbehavior, and the board policy, school standard or rule that was violated and the basis for the consequence imposed. Unless the superintendent determines that evidence cannot be fairly presented in this manner, the written documents will constitute the record reviewed by the superintendent.

The superintendent must make a written decision within two school days of receiving the documents. The superintendent may uphold, modify, or reverse the school administrator's decision. The superintendent cannot impose a more severe consequence unless necessary to comply with board policy or unless further investigation brings additional information to light that was not part of the principal's original decision. If the superintendent determines that the student did not violate any board policy, school standard or rule, any reference to the alleged misbehavior is to be removed from the student's record and any days already served in the suspension will be waived and the student will not be held accountable for the absences.

The student has no right to a hearing before the board to challenge consequences no greater than a short-term suspension. The student does, however, have the right to petition the board for a hearing. The petition must be in writing and must be received by the superintendent within three days of when the student received the superintendent's decision. After receiving the petition, the board may choose, at its discretion, to grant a hearing. The board will notify the petitioner of its decision whether or not to grant a hearing.

If the board chooses to grant a hearing, the board or panel of the board will review the superintendent's decision and other documents reviewed by the superintendent, including those submitted by the principal or student. The board will review the superintendent's decision to be sure that (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, school standard or rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures required by board policy were followed. Hearing procedures will follow policy 2500, Hearings Before the Board.

Legal References: G.S. 115C-45(c), -47, -391

Cross References: Short-Term Suspension (policy 4351), Removal of Student During the Day (policy 4352)

Adopted: April 9, 1998 to become effective July 1, 1998

Revised: May 11, 2000, September 12, 2002, November 9, 2010